

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

FORM OF INDEX

O.A./T.A./B.A./C.C.P./ No. 1910-1987

K.M.L. Srivastava vs. U.O. & ors.
PART - I

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Pender

29/12/88
DY. Registrar

29/12/88
Supervising Officer

29.12.88
Dealing Clerk

Note :- If any original document is on record - Details.

Nil

29.12.88
Dealing Clerk

*This file is for ready at
Rajeev
So (5)*

File B.C. destroyed on 09-5-12.

hra

①

ANNEXURE -A

CAT

CENTRAL ADMINISTRATIVE TRIBUNAL
Circuit Bench, Lucknow
Opp. Residency, Gandhi Bhawan, Lucknow

INDEX SHEET

CAUSE TITLE 1910/87 of 19

NAME OF THE PARTIES _____

Shri K. M. L. Srivastava Applicant

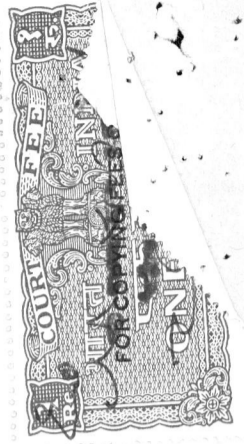
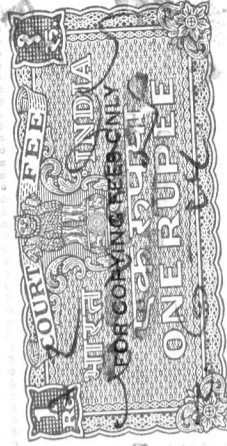
Versus

Union of Indus Respondent

Part A, B & C

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2	Index sheet	A4 to A5
3	Petition copy	A6 to A17
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6	Power	A42
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†	⑧	
⑨		B1 + B35
	C	
	Notices	

Wd
19-11-91



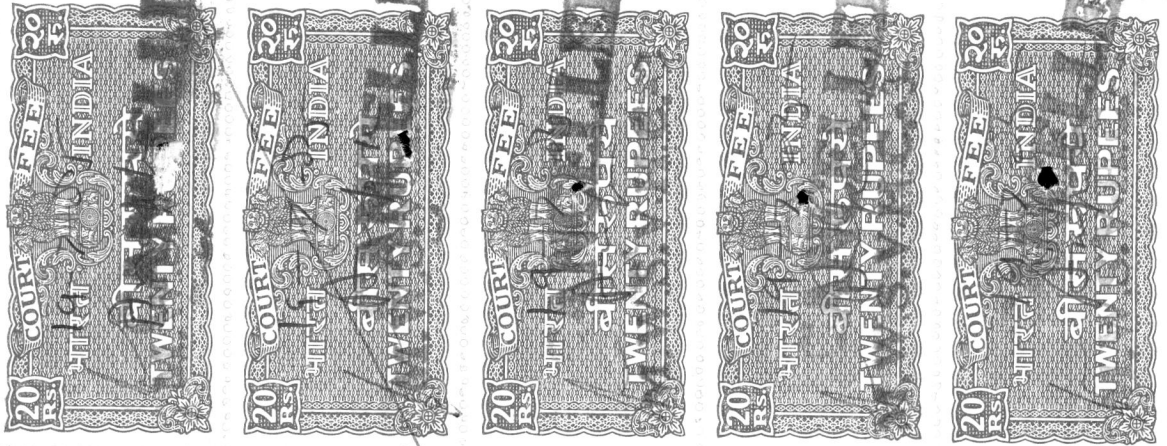
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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,
LUCKNOW BENCH, LUCKNOW.

3
Ac

WRIT PETITION NO. 3488 OF 1985



Rs 100/-
19-7-85

Krishna Mohanlal Srivastava aged about 35 years,
son of Sri Hari Bhajan Lal Srivastava, Branch
Post Master, Branch Post office Anawa Pokhar,
Pargana and Tahsil Nanpara district Bahraich.

-----Petitioner

Versus

1. Union of India .
2. Superintendent Post Offices and Telegraph Department;
Bahraich.
3. Sri R.S.Sonkar, Inspector Post office South Bahraich.
4. Sri Shiv Prasad, Line Overseer, Sheopur Bahraich
5. Ist Addl. District Judge Bahraich.
6. Munsif Bahraich.

-----Opposite-Parties

87
19-7-85

WRIT PETITION UNDER ARTICLE 226 CONSTITUTION OF
INDIA.

To

The Hon'ble Chief Justice and his companion
Judges of this High Court.

The above-named petitioner respectfully begs
to state as follows :

श्री कृष्ण मोहन लाल श्रीवास्तव

2933-85

5460

22/7/85

for Chief Justice and
High Court, Allahabad
Lucknow Bench

19/7/85

(11)

MEMO

~~Impressed~~
5 Adhesive Rs 100/-

~~Correct but first Court-fee report~~
~~was made on receipt of lower~~
~~Court fee~~

In time up to
Papers filed. Copy of F.O.
~~Should also be filed.~~
Single- Bench

(26)

Last judgment Annexed
= 6.7.85
Dut: Bahadur
Kumar
19.5.85-

Hon. K. Malhotra, J.

Notice of this petition
was given to Sri H.N.
Tilhari on 19-7-85
on behalf of all parties
nos. 1 & 2. He may
obtain instructions and
put up for orders on
30-7-85.

Notice for 22.7.85.
Received Copy for CP. No 112
Bhaskar
19.7.85

to Sri H.N. Tilhari
Adv.
Senior standing Counsel
Central Court.

[Signature]
22-7-85
12

shown for 30/7/85
B

(12)

Ken's Implications

Ken
1977/85

Resol. Copy

of
19.7.85

Chas Smith, n. Tel Mar
Dor

(26)

Mon. 15. March, 3.

Put up for
order along with
the work between

♀

22-7-85

R

(A) 3

Case No 8384(Ce)-85

In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

W.P. No. 3188 of 1985

Krishna Mohanlal Srivastava -- Petitioner
Vs
Union of India and others -- Opp-Parties.

APPLICATION FOR STAY

12/8/85
22/7/85
The above-named petitioner respectfully
begs to state as under :-

1. That for the reasons stated in the writ petition supported with an affidavit it is respectfully prayed that the operation of the order dated 15.9.84 embodied in Annexure 10 , the order of Munsif Bahraich opp-party 5 dated 16.10.84 embodied in Annexure 5 and the order of the Ist Addl. District Judge Bahraich opp-party 6 dated 6.7.85 embodied in Annexure 6 may be stayed during the pendency of this writ petition.

Lucknow, dated
July 19, 1985.

Suresh Chandra
(Suresh Chandra)
Advocate
Counsel for the Petitioner

13

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A
7

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

w.P.

No. 3488 of 198

85

vs.

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
22-7-85	Sen K Nath, Notice of this petition was given to Sri M. N. Tulhara Put up for orders on 30-7-85 Sen K Nath 22-7-85 M. Anand 8384 @ 85	
22-7-85	Sen K Nath, Put up for orders along with the w.P. Sen K Nath 22-7-85 Han Singh Dye 20/7/85	
9-8-85	Han Singh No reply. SD. Boli 9/8/85	

14

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
11/9/85 10/9/85	2 Han Jha S & Bore 18/9/85	3 To Singh By AR
11.10.85	Han Jha S HA S/BSS HUSENS	To Singh By AR
11.10.85	Han Jha S & Bore 11/10/85	
10-10-85	Han Jha S & Bore 18/1/85	
11/11/85	KEDNHAZ & Bore 11/11/85	

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

15

Amey
A/E

ORDER SHEET

REGISTRATION No. 1910 of 1987 (1)

APPELLANT
APPLICANT

K. M. L. Srivastava

VERSUS

DEFENDANT
RESPONDENT

Serial
number
of order
and date

Brief Order, Mentioning Reference
if necessary

How complied
with and date
of compliance

29.04

Hon. Mr. DK Agarwal, JM
Hon. Mr. R. Ojays, AJ

Counsel for applicant is present. None
is present for the reply. On the
request of the learned counsel for the
applicant, the case is adjourned to
7-12-07. by order on admission.

[Signatures]
JM

Case has been read
from CAT, Allg.
on 29.04.

Case is not
admitted.

No CA/RA J.

Notices issued
from CAT Allg. but
no O/C attached
Submitted for
order

The case was
limited.

7/12/09.

Hon. Justice K. Math, VC
Hon. K. J. Raman, JM

Sri Anup Kumar is present for the applicant.
Sri V. K. Chaudhary is present for opposite
parties 1 & 2. Notices were issued by the
Allahabad office only to the counsel for
the applicant and the standing counsel.
Notices were not issued to private opposite
parties 3 & 4. The office will issue fresh
notices to O.Ps. 3 & 4 who may file counts
within four weeks. The learned counsel for the
applicant says that he has received copy of
the counts but the original counts is not
on record. Sri Chaudhary undertakes to
file a copy of the counts. The applicant
may file rejoinder within four weeks
and list the case for admission
hearing on 11/1/90.

[Signatures]
A.M. VC.

Submitted for
admission / order

OK

No EA filed
S.F.A.

Notices could not
be issued because
S.P.s were not
available in the office
Now S.P.s are

Available

S.F.O.

6/2

[Handwritten notes]
A.M. got

19/10/07 (t)

(16)

11-1-90

No sitting. Adv. to 7.3.90

h
11/1/90

7-3-90

Ha. J. P. Sharma JM

None is present for the applicant.

or
Naval Jussal
h
12/3/90

• Sr. V. K. Choudhry is present. Notices were issued on ~~12.3.90~~ but ~~could not be issued~~ last for order on 25.5.90.

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JM

OR
Notices were issued on 12.3.90
O.P. no 3 & 4.
~~No repl~~
Neill CA
1 to 4 now unserved repd.
Cover has been return back
Submitted to order
h
21/5

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

13

Am-4
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E

ORDER SHEET

REGISTRATION No. 1910 of 1987 (T)

APPELLANT
APPLICANT

K. M. L. Srivastava

VERSUS

DEFENDANT
RESPONDENT

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
---------------------------------	--	--

29.04

Hon. Mr. D.K. Agarwal, JM
Hon. Mr. R. Ojays, AJ

Counsel for applicant is present. None is present for the respondents. On the request of the learned counsel for the applicant, the case is adjourned to 7-12-07. for order on admission.

[Signatures]
JM AJ

Case has been read from CAT, Allh. on 29.04.07.

Case is not admitted.

No CA/RA J.

Notices issued from CAT Allh. but no O/C attached. Submitted for order.

This case was unlisted.

L
Lok

7/12/07

Hon. Justice K. Math, VC
Hon. K. J. Ramesh, JM

Sri Anup Kumar is present for the applicant. Sri V.K. Chaudhary is present for opposite parties 1 & 2. Notices were issued by the Allohabad office only to the counsel for the applicant and the standing counsel. Notices were not issued to private opposite parties 3 & 4. The office will issue fresh notices to O.Ps. 3 & 4 who may file counter within four weeks. The learned counsel for the applicant says that he has received copy of the counter but the original counter is not on record. Sri Chaudhary undertakes to file a copy of the counter. The applicant may file rejoinder within four weeks and list the case for admission hearing on 11/1/08.

[Signatures]
A.M. V.C.

OK
Submitted for admission / order

6/2

No EA filed. C.F.A.

Notices could not be issued because S.P.s were not available in the office. Now S.P.s are available.

Available
S.F.O

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH AT LUCKNOW

T.A. NO. 1910/87(T)

Date of Decision 25.5.1990

KRISHNA MOHANLAL SRIVASTAVA APPLICANT.
VERSUS
UNION OF INDIA AND OTHERS RESPONDENTS.

PRESENT:

Shri. Anoop Kumar, Learned counsel for the applicant.
Shri. V.K. Choudhary, Learned counsel for the respondents.

CORAM:

Hon. Mr. B.C. Mathur, V.C.
Hon. Mr. D.K. Agrawal, J.M.

(Judgement of the Bench by Hon. D.K. Agrawal, J.M.)

The relief prayed by the petitioner in the writ petition No. 3488/85 registered in the Tribunal as T.A.NO. 1910/87(T) has already been granted to the petitioner as stated by Shri. V.K. Choudhary, advocate, standing counsel for Govt. of India, before us. We also find mention of this fact in Para-3 of the counter affidavit that the case against the petitioner could not be proved before the Enquiry Officer therefore, he was reinstated. In the circumstances this writ petition has become infructuous, the same is dismissed without any order as to costs as infructuous.

D.K. Agrawal
25.5.90.
JUDL. MEMBER.

Bharat Kumar
VICE CHAIRMAN.

GENERAL INDEX

③ AI 1/10

CIVIL SIDE
CRIMINAL

Chapter XLI, Rules 2, 9 and 13

Nature and number of case wp. 3488-85

Name of parties Krishna Madan Lal Sivalis vs. Union of India

Date of institution 22.7.85

Date of decision _____

File no.	Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
					Rs. P.			
	1-	wp with appeal and Amm. order.	38		102-00			
	2.	POW	1-		5-00			
	3-	Cm. 8384 (4) of 85 Jasby	1-		5-00			
	4.	App. dt. 26.8.85	1-					
	5.	order sheet						

I have this _____ day of _____ 197 , examined the record and compared the entries on this sheet with the papers on the record. I have made all necessary corrections and certify that the paper correspond with the general index, that they bear Court Fee Stamps of the aggregate value of Rs. _____, that all orders have been carried out, and that the record is complete and in order up to the date of the certificate.

Date _____

Munsarim
Clerk

(6) (34) 30 12/31

IN THE COURT OF I ADDITIONAL DISTRICT JUDGE BAHRAICH

Present : Sri S.N. Singh, Judge,

Civil Revision No. 21 of 1985

Krishna Mohan Lalvs...Union of India & others.

(Revisionist)

(Opposite-parties)

Judgment

This is plaintiff's revision directed against the order dated 16-10-1984 passed by Sri Shivaji Srivastava Munsif Bahraich, whereby the plaintiff's application under Section 80(2) C.P.C. was rejected.

The plaintiff Krishna Mohan Lal had filed the suit on 20-9-1984 alleging that he is still Post Master of Postal Branch Amwapokhar, Tahsil Nanpara district Bahraich. He claimed to be still working as Post Master of the aforesaid postal branch. The objection was raised on behalf of the Union of India on the ground that the plaintiff was already put-off duty before the institution of the suit.

The learned Lower Court after hearing both the parties has held that the plaintiff was already put-off duty on 15-9-1984 and hence there was no justification for filing the suit without serving a notice under Section 80 C.P.C. Feeling aggrieved by this order the plaintiff has preferred the present revision.

I have heard the learned counsel for the parties and gone through the record.

On the perusal of the order dated 15-9-1984 (paper No. Ka-13) it transpires that the plaintiff was put off duty with immediate effect and the service of the said order was made on the plaintiff on 17-9-1984 and he

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११/११/४४



के पक्ष से ही वाणी भाषा की उक्त कारवायें किये जा
ऐसी परिस्थिति में जो पक्ष निवेद्यामा का वाद प्रस्तुत
काले का को ओपिये नदी को मोड़ न ही बिना नोक्स
प्रतीकत धारा १०३-प्र. ५-स रिये बिना वाद प्रस्तुत कानि
का को ओ आवगयक आवगयकता ही मितः दाखात
ख/३ विरक्त किया जाता है

Sd शिवाजी श्रीवास्तव
मुख्य महापय

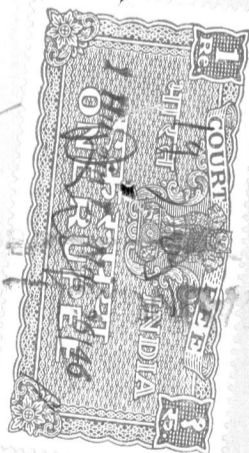
पठराज

16-10-84

Copied by - S.N. Verma
Compared by

सत्य प्रतिबिम्ब

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३५६-१-५०
१९-५-४५



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impugned order of Munsif Bahraich dated 16-10-1984 is hereby confirmed.

Sd/- S. N. Singh
6/7/85

(S.N. Singh)
I Addl. District Judge,
Bahraich
6-7-1985

Judgment signed, dated and pronounced in open Court today.

Sd/- S. N. Singh
6/7/85

(S.N. Singh)
I Addl. District Judge,
Bahraich
6-7-1985 .



सत्य प्रतिनिधि

Sd/-
6/7/85

प्रधान प्रतिनिधि
प्रतिनिधि अनुभाग
जमी कचहरेखन

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,
LUCKNOW BENCH, LUCKNOW.

0940

W.P. No.

3488

/85

Krishna Mohanlal Srivastava

Petitioner

Vs

Union of India and others

Opp-Parties.

I N D E X

Sl.No.	Particulars of documents.	Page No.
1.	Writ Petition	1- 12
2.	Affidavit	13- 14
3.	Annexure No.1 (Copy of the plaint)	15-18
4.	" No.2 (Copy of application under Sec.30(2)CPC	19 - -
5.	" No.3 (Copy of application under Order 39 Rule 1 and 2 C.P.C.)	20 - 23
6.	" No.4 (True copy of the Objection filed by the opp-parties)	24 - -
7.	" No.5 (Certified copy of the order of Munsif)	25 - 27
8.	" No.6 (Certified copy of the order of I Addl. Distt. Judge Bahraich)	28 - 31
9.	" No.7 (Application copy)	32 - -
10.	" No.8 (Copy of application)	33 - -
11.	" No.9 (Copy of application moved before the I Addl.District Judge Bahraich)	34 - -

At

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-2-

- 12. Annexure No.9-A (Copy of application dt. 6.7.85 before I Addl. Distt. Judge) 35 --
- 13. " No.10 (Copy of the order dated 15.9.84) 36 - 37
- 14. Vakalatnama 38 --
- 15. Stay application. seferat

Lucknow, dated:

July 19, 1985.

22

Suresh Chandra
(Suresh Chandra) Advocate
Deewan
Counsel for the Petitioner

897
16

1. That the petitioner was appointed on 13.3.74 as Branch Post Master Anawa Pokhar by the then Superintendent Post offices Gonda Division under Post and Telegraph Extra Departmental Agents (Conduct and Service) Rules 1964 (herein after referred as Departmental Rules).
2. That at the time of appointment of the petitioner Gonda and Bahraich districts were in one Postal Division and subsequently Gonda and Bahraich districts were separated into two separate divisions.
3. That work and conduct of the petitioner was all along good and to the satisfaction of the superior officers.
4. That in the month of September 1984 the petitioner came to know that Superintendent Post offices and Telegraph Department opp-party no.1 in collusion with Sri R.S.Sonkar Inspector post - offices opp-party 3 and Sri Sheo Prasad Line Overseer opp-party no.4 were going to put off the petitioner from duties on which the petitioner filed a suit for permanent injunction against opp-parties no.1 to 4 in the court of Munsif Bahraich along with an application u/s 80 (2) C.P.C. and also moved application under Order 39 Rule 1 and 2 C.P.C. praying that by means of ad interim injunction order opp-parties no.1 to 4 may be restrained from putting off

87
19.2.85

[Handwritten signature]

the petitioner from duties .The copy of the plaint, copy of the application u/s 80(2) C.P.C. and copy of the application under Order 39 Rule 1 and 2 C.P.C. are filed herewith as Annexures no.1, 2 and 3 respectively with this writ petition.

5. That the opp-parties nos. 1 to 4 filed objection to the application u/s 80(2) C.P.C. The true copy of the objection filed by the opp-parties 1 to 4 is filed herewith as Annexure No.4 to this writ petition.

6. That on 16.10.1984 the learned Munsif Bahraich opp-party no.6 dismissed the application of the petitioner u/s 80(2) C.P.C. on the ground that as the charge had already been taken from the petitioner before filing the suit, therefore there was no justification for filing suit for injunction only without notice u/s 80 C.P.C. and there was no urgent necessity of filing suit without notice as contemplated in Sec.80 C.P.C. The certified copy of the order of the Munsif is filed herewith as Annexure no.5 to this writ petition.

7. That in the court of Munsif the petitioner filed account slips to show that charge had not been taken from the petitioner and the petitioner continued in service and is still in service.

8. That being aggrieved by the order dated 16.10.84 of Munsif Bahraich opp-party 5 the petitioner preferred

19.7-88

प्रमाणित

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A/S

Revision in the court of District Judge Bahraich which was transferred to the court of Ist Addl. District Judge Bahraich.

9. That on 6.7.85 the learned Ist. Addl. District Judge Bahraich dismissed the Revision on the ground that there was no urgency. The certified copy of the order of Ist. Addl. District Judge is Annexure No.6 to this writ petition.
10. That the learned Munsif Magistrate opp-party no.5 committed an error of law apparent on the face of the record in ignoring to take into consideration that according to departmental Rule 5 read with Director General's instructions the petitioner could proceed on leave on account of immediate and urgent work by entrusting his work to his substitute who may be even his wife and in holding that the charge was taken from the petitioner before filing the suit.
11. That the petitioner was on leave for 15 days from 12.9.84 (Application copy Annexure 7 to this writ petition) and in his place his wife being a substitute was working , no question of taking charge from the petitioner by the Inspector and Overseer on 17.9.84 as alleged arose, ~~the~~ both the courts below committed an error of law apparent on the face of record in not taking into consideration this aspect of the case and in relying on the documents filed by by the department.

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19.7.88
[Signature]

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12. That the petitioner specifically denied that the original charge report paper No.Ka/12 did not bear his signature and also moved an application (copy Annexure 8) to get his signature compared and examined by a Hand-writing Expert, the Ist Addl. District Judge instead of getting the signature of the petitioner compared by a hand-writing expert committed an error of law apparent on the face of the record in himself comparing the signatures of the petitioner.

13. That the petitioner filed the daily account slips and Recurring Deposits counter foils etc. in the court of Munsif Bahraich opp-party 5 and filed the receipt of cash payment of sub-post Master Mihinpurwa for Rs.1700/- dated 22.2.85; Rs.10,500/- dated 1.3.85; Rs.3000/- dated 22.5.85; Rs.1100/- dated 25.5.85 and other documents in the court of Ist Addl. District Judge which proved that the petitioner is still continuing in service, both the courts below having failed to consider the said documents filed by the petitioner committed an error of law apparent on the face of the record.

81
19.7.85

अधुना

14. That the petitioner moved an application (copy Annexure 9) in the court of Ist Addl. District Judge opp-party 6 for summoning Diary of Overseer from 15.9.84 ~~to~~ onward, 'Vetan Chittha' dated 15.9.84 of P.O. Anawa Pokhar and Daily account of Branch -

AM 1/8
A/20

post office Amawan Pokhar from 15.9.84 onward in order to show that the petitioner was still working on which the learned Ist Addl. District Judge was pleased to direct the opp-parties 1 to 4 to bring the above noted documents by 5.7.85 but on 5.7.85 the opp-parties 1 to 4 reported that the said documents were not with ~~them~~^{him} on which the petitioner moved an application on 6.7.85 (copy annexure 9-A) that the said documents are in sub post office Mihinpurwa and prayed for issue of a Commission to verify the said fact, the learned Ist. Addl. District Judge ought to have issued commission or summon the records from Mihinpurwa post office and he having failed to do so committed an error of law apparent on the face of record.

15. That the Overseer to whom it was alleged that the petitioner gave charge has been suspended by the Postal Department on the charge of preparing false and forged charge report regarding the petitioner and an enquiry is also pending against him for the same.

16. That an Extra Departmental Agents can be put off duty only during the pendency of the enquiry into complaint, allegation of mis-conduct and not whenever any inquiry is contemplated. The copy of the order dated 15.9.84 (copy Annexure 10) shows that when the said order was passed neither any inquiry was pending nor there was any allegation of misconduct nor ^{or} ~~any~~ contemplated enquiry, therefore the order dated

19.12.85

Chakraborty

A12
1/9 A/27

15.9.84 putting off the petitioner from duty is void, illegal, ultravires and without jurisdiction.

17. That the order dated 15.9.84 putting off duty embodied in Annexure 10 is illegal, ultra vires and without jurisdiction and in the same way the order of Munsif Bahraich dated 16.10.84 embodied in Annexure 5, and the order of the Ist Addl. District Judge dated 6.7.85 embodied in Annexure 6 are bad in law as well as on fact and are liable to be quashed.

18. That neither the order dated 15.9.84 was served nor the charge has been taken from the petitioner and the petitioner is still in service and is ~~performing~~ performing his duty which fact would appear from the fact that about 200 money orders from 6.11.84 to 10.6.85 were issued under the signature of the petitioner being Branch Post Master and the petitioner also collected on behalf of Postal Department about Rs.2550/- through Savings Bank, Rs.210/- through Recurring deposits and Rs.28,870/- through 6 years National Saving Certificate and the same amounts were deposited by the petitioner in sub post office Mihin Purwa and got receipts of deposits.

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19.7.88

Pravara

19. That being aggrieved and there being no other alternative and efficacious remedy open to the

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petitioner, the petitioner is filing this writ petition against the order dated ~~15.9.84~~ 15.9.84 putting off the petitioner from duty embodied in annexure 10 and also against the order of Munsif Bahraich opposite party no.5 dated 16.10.84 embodied in Annexure 5 and the order of Ist Addl. District Judge Bahraich opp-party 6 dated 6.7.85 embodied in annexure 6 on the following amongst other grounds :-

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Handwritten signature/initials

G R O U N D S :

- (A) Because learned Munsif opp-party 5 committed an error of law apparent on the fact of record in ignoring to take into consideration that according to Departmental Rule 5 read with ~~Section~~ Director General's instructions the petitioner could proceed on leave on account of ^{immediate} ~~immoveable~~ and urgent work by entrusting his work to his substitute who may be even his wife in holding that the charge had been taken from the petitioner before filing the suit which has resulted in the miscarriage of justice and hardship to the petitioner.
- (B) Because the petitioner was on leave for 15 days from 12.9.84 and in his place his wife being a substitute was working, no question of taking charge from the petitioner by Inspector and Overseer on 17.9.84 as alleged arose, the Munsif Bahraich opp-party 5 and the Ist Addl. District Judge opp-party no.6 committed an error of law apparent

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filed by the petitioner committed a manifest error of law apparent on the face of the record which has resulted in the miscarriage of justice and hardship to the petitioner.

(E) Because the petitioner moved an application (copy Annexure 9) in the court of Ist Addl. District Judge opp-party 6 for summoning diary of the Overseer from 15.9.84 and onward, 'Vetan - Chittha' from 15.9.84 and onward of P.O. Anawa-Pokhar and daily account of post office Anawa Pokhar from 15.9.84 and onward in order to show that the petitioner is still working on which the learned Ist. Addl. District Judge was pleased to direct the opp-party no. 1 to 4 to bring the above documents by 5.7.85 but on 5.7.85 the department reported that the said documents were not with them on which the petitioner again moved an application on 6.7.85 that the said documents are in Sub Post office Mihinpurwa Bahraich and prayed for issue of a commissioner to verify the said fact, the learned Ist. Addl. District Judge ought to have issued Commission or summoned the record from the Mihinpurwa Sub Post Office and he having failed to do so committed a manifest error of law apparent on the face of the record which has resulted in the miscarriage of justice and hardship to the petitioner.

(F) Because it having come in evidence and it having

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on the face of the record in not taking into consideration this aspect of the case and in relying on the documents filed by the department which has resulted in the miscarriage of justice and hardship to the petitioner.

(C) Because the petitioner specifically denied that the original charge report paper no.Ka/12 did not bear his signature and also moved an application to get his signature compared and examined by an expert, the learned Ist Addl.District Judge instead of getting the signature of the petitioner compared by a handwriting expert committed a manifest error of law apparent on the face of the record in himself comparing the signature of the petitioner by taking the role of an expert which has resulted in the miscarriage of justice and hardship to the petitioner.

(D) Because the petitioner filed the daily account slip, Recurring Deposits Counter Foils etc. in the court of Munsif Bahraich opp-party 5 and filed the receipt of the cash payment of sub post master Mihinpurwa of Rs.17000/- dated 22.2.85; Rs.10,500/- dated 1.3.85; Rs.3000 dated 22.5.85; Rs.1100.00 dated 23.5.85 and other documents in the court of Ist Addl. District Judge which proved that the petitioner is still continuing in service, the learned Munsif Bahraich opp-party no.5 and Ist .Addl.District Judge opp-party no.6 having failed to consider the documents

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been amply proved that no notice of putting off the petitioner from duty dated 15.9.84 was served and no charge had been taken from the petitioner, the petitioner continued in service, the learned Munsif opp-party no.5 and Ist Addl. District Judge opp-party no.6 committed an error of law apparent on the face of the record in not allowing the petitioner to file suit without notice under Sec. 80 C.P .C. which has resulted in miscarriage of justice and hardship to the petitioner.

- (I) Because an Extra Departmental Agents can be put off duty only during the pendency of enquiry in to complaint or allegation of misconduct and not when any inquiry is contemplated, the order dated 15.9.84 (copy Annexure 10) shows that when the said order was passed neither any inquiry was pending nor there was any allegation of misconduct nor ~~any~~ ^{there was any.} contemplated inquiry, therefore the order dated 15.9.84 putting off the petitioner from duty is void, illegal, ultra vires and without jurisdiction and is liable to be quashed.
- (J) Because the order dated 15.9.84 putting ~~the~~ off the petitioner from duty embodied in Annexure 10 is illegal, ultravires and without jurisdiction and in the same way the order of Munsif Bahraich dated 16.10.84 embodied in Annexure 5 and the order of Ist Addl. District Judge dated 6.7.85 embodied in Annexure 6 are illegal, ultravires and without jurisdiction and are bad in law as well as on fact and are liable to be quashed.

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(H) Because the order dated 15.9.84 putting off the petitioner from duty embodied in Annexure 10 is illegal, ultra vires and without jurisdiction and in the same way the order of Munsif Bahraich dated 16.10.84 embodied in Annexure 5 and the order of Addl. District Judge dated 6.7.85 embodied in Annexure 6 are illegal, ultra vires and without jurisdiction and are bad in law as well as on fact and are liable to be quashed.

Wherefore it is respectfully prayed that the Hon'ble Court may be pleased :

- (i) to issue a writ, order or direction in the nature of certiorari in ~~fixing~~ quashing the order dated 15.9.84 embodied in Annexure-10 putting the petitioner off from duty and declaring that the petitioner is still continuing in service and further the order of Munsif Bahraich & opp-party 5 dated 16.10.84 embodied in Annexure no.5 and the order of Ist Addl. District Judge dated 6.7.85 embodied in Annexure 6 may also be quashed.
- (ii) to issue any other writ order or direction which the Hon'ble Court deems just and proper in the circumstances of the case in favour of the petitioner.
- (iii) Cost of the petition be awarded to the petitioner.
- (iv) The matter being urgent 14 days notice to the the Chief Standing counsel may be waived off.

Suresh Chandra

(Suresh Chandra)

Advocate

Counsel for the Petitioner

Lucknow, dated:

July 19, 1985.

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In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

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Writ Petition No.

/85



1985

AFFIDAVIT
78/28
HIGH COURT
ALLAHABAD

Krishna Mohanlal Srivastava --- Petitioner

Versus

Union of India and others --- Opp-Parties.

AFFIDAVIT

I, Krishna Mohanlal Srivastava aged about 35 years, son of Sri Hari Bhajan Lal Srivastava, Branch Post Master, Branch Post office Amawa Pokhar, Pargana and Tahsil Nanpara district Bahraich, do hereby solemnly affirm and state as under :-

1. That the deponent is the petitioner and is fully conversant with the facts of the case.
2. That the contents of writ petition paragraphs 1 to 10 are true to my knowledge & I believe them to be true.

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19.7.85

(Signature)

Lucknow, dated
July 19, 1985.

Deponent

I, the abovenamed deponent do hereby verify that the contents of this affidavit paragraphs 1 and 2 are true to my own knowledge. No part of it is false and nothing

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material has been concealed ; so help me God.

Lucknow, dated
July 19, 1985.

[Signature]

Deponent

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I identify the deponent who has
signed before me.

*Jai Dev Sharma Esq. Sr.
Advocate.*

K.P. Singh Adv. 19.7.85

*87
19.7.85*

Solemnly affirmed before me on 19.7.85
at 11 a.m./p.m. by *Krishna Mohan Lal Srivastava*
the deponent who is identified by *Lal Deva Sharma*
Shri

Clerk to *Shri K.P. Singh Advocate*
Advocate High Court, Allahabad.

I have satisfied myself by examining
the deponent that he understands the
contents of this affidavit which has been
read out and explained by me.

S.C. Jaiswal

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19.7.85

माननीय उच्च न्यायालय इलाहाबाद
लखनऊ बेंच, लखनऊ ।

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रिट पिटीशन नं० -

/85

कृष्ण मोहन लाल श्रीवास्तव

...

पिटीशनर

बनाम

यूनियन आफ इंडिया इत्यादि

.....

अपोजिट- पार्टीज

अनेकजर नम्बर- : 1:

न्यायालय श्रीमान् मुन्सिफ महोदय, बहराइच ।

कृष्ण मोहन लाल श्रीवास्तव पुत्र श्री हरिभजन लाल श्रीवास्तव शाखा हाकपाल
शाखा हाकधर अथवा पोखर परगना तहसील नानपारा जिला बहराइच ।
= वादी

बनाम

- 1- यूनियन आफ इंडिया
- 2- श्रीमान् अधीक्षक महोदय, पोस्ट रूफ टेलीग्राफ डिपार्टमेंट जि० बहराइच
- 3- बी० आर० एस० सोनकर निरीक्षक हाकधर उत्तरीखंड बहराइच
- 4- श्री शिव प्रसाद लाइन ओवरसियर शिवपुर जिला बहराइच ।

= प्रतिवादीगण

दावा हुकुम इस्तिनाई दवामी

आधारा दावा :

दफ्त- 1:- यह कि वादी एक शाखा हाकपाल है जो शाखा हाकधर अमवा पोखर
परगना तहसील नानपारा जिला बहराइच में तैनात है।

कम

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श्रीमान् मुन्सिफ महोदय

दफ्त-2:- यह कि वादी का चाल चलन सदैव से अच्छा रहा है और अपने कार्यों की बड़ी ईमानदारी से नियुक्ति की तिथि से करता चला आ रहा है। साथ कभी कोई गड़बड़ी किसी प्रकार की नहीं की है।

दफ्त-3/- यह कि पोस्ट एण्ड टेलीग्राफ डिपार्टमेंट के सम्बन्धित कर्मचारियों द्वारा दिनांक 14-12-78 को एक जांच की गयी थी जिसमें फर्जी आरोप पर दिनांक 21-7-79 /13-8-79 को द्वियूटी पुट आफ करा ली जिसके खिलाफ विभागीय वाद संस्थित हुआ और प्रतिवादी नं० 2 द्वारा आरोप असत्य पाये जाने पर दिनांक 31-3-84 को उपरोक्त कार्यवाही निरस्त करके पुनः ब्रान्च आफिस में नियमानुसार चार्ज वादी को दिया गया और तब से अब तक कार्य करता चला आ रहा है जिसकी फोटो प्रतिलिपि दाखिल दावा हाजि है।

दफ्त-4 :- यह कि प्रतिवादीगण 3 व 4 जो वादी से काफी रुष्ट रहते हैं, जिनकी आवश्यकताओं को वादी पूरा करने में असमर्थ है जो प्रतिवादी नं० 2 से साजिश करके फर्जी आरोप लगा कर उक्त ब्रान्च पोस्ट आफिस से द्वियूटी पुट आफ कराने की योजना में है जैसा कि प्रतिवादीगण 3 व 4 वादी के घर दिनांक 16-9-84 को जाकर यह कहा कि चल कर आफिस खोलकर मुआयना कराये जिस पर वादी ने कहा कि आफिस का मुआयना प्रत्येक वर्ष माह दिसम्बर में होता है। जिस पर प्रति वादीगण नं० 3 व 4 ने वादी से कहा कि हमें चार्ज लेना है चूंकि आप के खिलाफ दूसरे जगह से आरोप है वादी के आरोप पत्र मांगने पर प्रतिवादीगण 3 व 4 देने से इन्कार किये और धमकी देकर कहा कि एक सप्ताह के अन्दर चार्ज ले लूंगा।

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(19-7-85)

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दफ्त-5:- यह कि वादी को प्रतिवादीगण एक राय होकर बिना लिखित सूचना एवं कारण बताओ नोटिस दिये हुए नौकरी से निकाल कर आर्थिक मानसिक, नैतिक, शारीरिक एवं गैरकानूनी क्षति स्वयं तथा स्थानीय पुलिस करार सेवा से बंचित करने की योजना में हैं जिससे वादी की सख्त शकतली एवं इरिपरेबुल लाथ भविष्य में पैदा है।

दफ्त-6:- यह कि वादी जब दिनांक 17-9-84 को शाम को छिपूटी करने के पश्चात बहराइच आकर प्रतिवादीगण से मिला तो प्रतिवादी नं०- 2 के छुट्टी पर होने से केवल प्रतिवादी 3 व 4सेही मुलाकात हो सकी जिनसे पुनः खुशामद की तो प्रतिवादी गण 3 व 4 ने ऐसा करने से कतई इंकार किया इसलिये बिनाय मुआसमत दि० 16-9-84 व 17-9-84 से अन्दर हर अख्तियार समाप्त अदालत हाजा के पैदा है।

दफ्त-7 :- यह कि मामला चूकि अर्जेन्ट है जिसके आधार पर मियादी नोटिस धारा-80 सी० पी० सी० का सरकार की देकर सीमा अवधि के अन्तर्गत वादी को वास्तविक रिलीफ विभाग द्वारा मिलना असंभव है जिसकी वजह से मकसद दावा शीघ्र हो जावेगा जिसके लिए परमेश प्रार्थना पत्र दावा हाजा के साथ दिया जा रहा है।

दफ्त 8:- यह कि मालियत दावा हाजा में वादी की बेसिक वेतन सालाना मु० 1920/-रु० होती है जिसका 1/5 भाग 384/- होता है जिस पर कोर्टफेस 50/- रु० की देय है और चूकि मामला दावा हुकुम इम्तिनाई दवामी का है जिसकी मालियत 200/- कायम कयेकेकोर्टफेस 22-50मे० होती है इस प्रकार से जुमला कोर्ट फेस 72-50 पैसा को अदा की जाती है।

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दफ्त-9 :- यह कि दावा वादी न्यायालय के क्षेत्राधिकार के अन्तर्गत है।

दफ्त-10 :- यह कि वादी मुश्तदई सुदूर डिग्री जुमरात जैल का है बहक वा
वादी खिलाफ प्रतिवादीगण सादिर फरमाई जावे ।

अ- यह कि जरियेहुकुम इस्तिनाई दवामी प्रतिवादीगण की हमेशा
के लिस ममून फरमाया जावे कि वह वादी को उसके पद से न हटावें और
न ही भविष्य मे डिपूटी पुट आफ करने की धमकी दें ।

ब- यह कि खर्चा मुकदमा वादी को प्रतिवादीगण से दिलाया जावे ।

स- यह कि दीगर दादरसी जो करीन इन्साफ अदालत हो बहक
वादी खिला प्रतिवादीगण बक्सी जावे ।

मैं वादी दावा हाज की दफ्त । ता 8 जानकारी में
सत्य है तथा 9 की सत्यता के बारे मे विश्वास करता
हूँ । जिसे पदकर सुनाया माल कैचहरी बहराश्च में
18-9-84 में तस्दीक करता हूँ ।

वादी

(कृष्ण मोहनलाल)
श्रीवास्तव,
पुत्र श्री हरिभजनलाल
श्रीवास्तव, शाखा-
डाकपाल अमवापोखर,
पर0तह0 नानपारा,
बहराश्च ।

/सत्य प्रतिलिपि/

श्री कृष्ण मोहनलाल

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माननीय उच्च न्यायालय इलाहाबाद लखनऊ बेंच, लखनऊ ।

रिटपिटीशन नं० /85

कृष्ण मोहन लाल श्रीवास्तव पिटीशनर

बनाम

यूनियन आफ इंडिया इत्यादि अपोजीट

अनेक्जरंट -2:

न्यायालय श्रीमान् मुन्सिफ महोदय बहराइच

कृष्ण मोहन लाल श्रीवास्तव बनाम यूनियन आफ इंडिया आदि

दरखास्त हस्त दाफा-80सी0पी0सी0

श्रीमान् जी,

निवेदन है कि प्रतिवादीगण वादी को बिना किसी वजह वगैर
कानूनी तौर पर उसके षपद से हटा देना चाहते हैं जिसके संबंध में दि०-
16-9-84 व 17-9-84 की धमकी दी है तथा कोई आदेश वादी पर तामील
करके चार्ज ले लेना चाहते हैं। जिसके लिए वादी को 2 माह की नोटिस
दाफा-80 सी०पी०सी० की देनी चाहिए लेकिन नोटिस देने मियाद इन्तजारी
में मकसद दावा फ़ैत हो जावेगा और प्रतिवादीगण अपने मकसद में कामयाब
हो जावेंगे चूंकि मामला बहुत ही अर्जेन्ट है जिसे दायर करना तत्काल
जरूरी है।

अतः, प्रार्थना है कि प्रतिवादीगण के खिलाफ दावा दायर करने
की इजाजत बख्शी जावे मकान कृपा होगी ।

वादी,

कृष्ण मोहन लाल श्रीवास्तव

शाखा हाकपाल अमवा पोखरप्ररगना तहसील

बानपारा- बहराइच द्वारा श्रीरच०पी०श्रीरहवोकेट
बहराइच दि० 18-9-84

/सत्य प्रतिलिपि/
श्रीवास्तव

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19.9.85

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माननीय उच्च न्यायालय इलाहाबाद लखनऊ बेंच, लखनऊ ।

रिटपिटीशन नम्बर- /85

कृष्ण मोहन लाल श्रीवास्तव पिटीशनर

बनाम

यूनियन आफ इंडिया इत्यादि अपो0'-पार्टीज

अनेक्जर नम्बर- 3:
=====

न्यायालय श्रीमान् मुन्सिफ महोदय, बहराइच

कृष्ण मोहन लाल श्रीवास्तव बनाम यूनियन आफ इंडिया आदि

दरखास्त हुकुम इम्तिनाई चंदरौजा

हस्त आर्डर- 39कायदा।व2 तथा

दफ्त- 15।सी0पी0सी0

श्रीमान् जी,

निवेदन है कि वादी ने तारीख इमरौजा में एक दावा हुकुम इम्तिनाई दवामी खिलाफ प्रतिवादीगण इजलाश श्रीमान् जी पर दायर किया है इसमें कामयाबी की पूर्ण आशा है तथा तफ्सील के सारे वाक्यात दर्ज है। प्रतिवादी गण बिना किसी हक के बगैर कानूनी तौर से वादी को उसकी द्विपूटी पुट आफ करके नौकरी से हटा देना चाहते हैं । चूंकि वादी ब्रान्च पोस्ट आफिस अमवा पोखर मे शाखा हाकपाल है जो अल्प वेतन भोगी है जिसके पास अन्य कोई आमदनी का साधन नहीं है जो हमेशा से विभाग में सत्यता एवं ईमानदारी से काम किया है परन्तु प्रतिवादीगण फर्जी तौर से तंग करके उसके शान्तिमय कार्य मे बाधा डालने की योजना में है जिससे

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श्रीमान् महोदय

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वादी का इररिपरेबुल लाथ भविष्य में पैदा हो ।

अतः श्रीमान् प्रार्थना है कि बवहुजात बाला जरिये हुकुम
इम्तिनाई चन्दरौजा प्रतिवादीगण को मना किया जावे ता फैसला मुकदमा वादी का
को ब्रान्च पोस्ट आफिस अमवा पोखर परगना तहसील नानपारा जिला
बहराइच से डिपूटी पुट आफ करके पद से न हटावें और अन्य तरह से
जबरदस्ती चार्ज जरिये पुलिस न लें वरना वादी की अपार क्षति होगी ।

ब्रान्च, वादी,

में वादी दरखास्त की मजमून

कृष्ण मोहन लाल श्रीवास्तव

में लिखित तथ्यों को पूर्ण जानकारी

शाखा डाकपाल अमवापोखर पर

रखता हूँजिसे पढ़कर सुनाया गया और

तहजानपारा जिला बहराइच

माल कचेहरी बहराइच में तस्दीक किया

द्वारा

गया ।

श्री सचिव श्रीवास्तव सहवैकेत

बहराइच ।

दिनांक : 18-9-84

दिनांक : 18-9-84

87
19.7.85

/सत्य प्रतिलिपि/
श्री अमना इन्वॉल

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न्यायालय श्रीमान् मुन्सिफ महोदय, बहराइच ।

कृष्ण मोहन लाल श्रीवास्तव पुत्र श्रीहरिभजन लाल श्रीवास्तव शाखा डाकपाल
शाखा डाकघर अमवापोखर पर० तह० नानपाराजिला बहराइच जैल मजहिर

दस्तावेज :-

बयान हलफ

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दफ्त-1 :- यह कि मुजहिर वर्तमान समय मे पोस्ट एण्ड टेलीग्राफ विभाग
मे शाखा डाकघर अमवापोखर मे शाखा डाकपाल के पद पर तैनात है।

दफ्त-2:- यह कि मुजहिर ने कभी भी विभाग में बेइमानी एवं बलकपट नहीं
किया है परन्तु प्रतिवादीगण 3 व 3 ओ य दिन अनायास आमदनी करने
के लिए मुजहिर को बाध्य करके फर्जी धमकियां डियूटी पुटआफ करने एवं
सेवा सेहताने की देते चले आ रहे हैं ।

दफ्त- 3:- यह कि प्रतिवादीगण 3 व 4 ने दिनांक 16-9-84 व 17-9-84
को इस बात की धमकी दी है कि अमवापोखर का चार्ज हमे दे दें और उसके
स्थान पर अपना सहयोगी ब्यक्ति नियुक्त करना चाहते हैं जिससे मुजहिर
की इरेपररेबुल लाश भविष्य मे पैदा है ।

दफ्त-4 :- यह कि मुजहिर को इस बात की धमकी दी गयी है कि अगर चार्ज
आसानी से न दोगे तो जरिये पुलिस ले लूंगा इस प्रकार से मुजहिर को
बिना उसे विभाग के कर्मचारीगण नौकरी से रक्त पर से सेवा मुक्त करके
नुकसान पहुंचाने की योजना मे हैं जिसमें मुजहिर को न्यायालय के अलावा अन्यत्र
कोई रैमडी नहीं मिल सकती है।

दफ्त-5:- यह कि मुजहिर को विभाग द्वारा कारणबताओ नोटिस देना चाहिए
परन्तु ऐसा न करके डायरेक्ट कार्य से मुक्त कर देना चाहते हैं ।

8/9.7.85

श्रीवास्तव

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दफा-6 :- यह कि मुजहिर को सरकार दो माह की नोटिस देने का समय न देकर एक सप्ताह के अन्दर हटा देना चाहती है जिससे नोटिस देने से ~~का~~ दावा मकसद मुजहिर पौत हो जावेगा । जिसके सम्बन्ध में परमिशन प्रार्थना पत्र दिया जा रहा है।

दफा-7 :- यह कि मुजहिर को अस्थाई निषेधाज्ञा प्रदान करके प्रतिवादीगण को तत्काल स्पेशल मैसेंजर द्वारा सूचित किया जावे ताकि मुजहिर को न्यायालय द्वारा तत्काल न्यायिक लाभ मिल सके और अपने पद पर बरकरार रहे ।

में मुजहिर बयान हलफ की दफा । ता 7 जानकारी में सत्य है जिसे पढ़ कर सुनाया गया और माल कचेहरी बहराश्च में दिनांक : 18-9-84 कोतसीक किया ।

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19.7.85

/सत्य प्रतिलिपि/

शुभमोहन

माननीय न्यायालय श्रीमान् उच्च न्यायालय इलाहाबाद

लखनऊ बेंच, लखनऊ ।

रिटपिटीशन नं०-

/85

कृष्ण मोहन लाल श्रीवास्तव

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पिटीशनर

बनाम

यूनियन आफ इंडिया इत्यादि

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अघो 0 पार्टीज

: अनेक्जर नम्बर- : 4:

मुन्सिफ बहराइच

96/70/84

कृष्ण मोहन लाल श्रीवास्तव

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वादी

बनाम

यूनियन आफ इंडिया आदि

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प्रतिवादीगण

आपत्ति विरुद्ध प्रार्थना पत्र अन्तर्गत

धारा 8 0 सी 0 पी 0 सी 0

1- यह कि प्रार्थना पत्र वादी निखत गलत व निराधार

पर दी गयी है।

2- यह कि वादी कैदावा दापर करने की कोई

नहीं है 2

3- यह कि वादी निहायत चालाक मुकदमेंबाज ब्यक्तिह और उसने

महज नोटिस व भियाद से बनाने के लिए प्रार्थना पत्र दी है जो किसी तौर

पर भी

नहीं है।

4- यह कि प्रार्थना पत्र वादी हर दृष्टिकोण से निरस्त होने योग्य है।

अतः प्रार्थना है कि

फरमाई जावे

और प्रार्थना पत्रवादी अन्तर्गतधारा 80सी0पी0सी0निरस्त करने की महान कृपा की जावे ।

प्रार्थी, यूनियन आफ इंडिया आदि द्वारा अपठ

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कृष्ण मोहन लाल
/सत्य प्रतिलिपि/

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In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

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W.P. No. /85

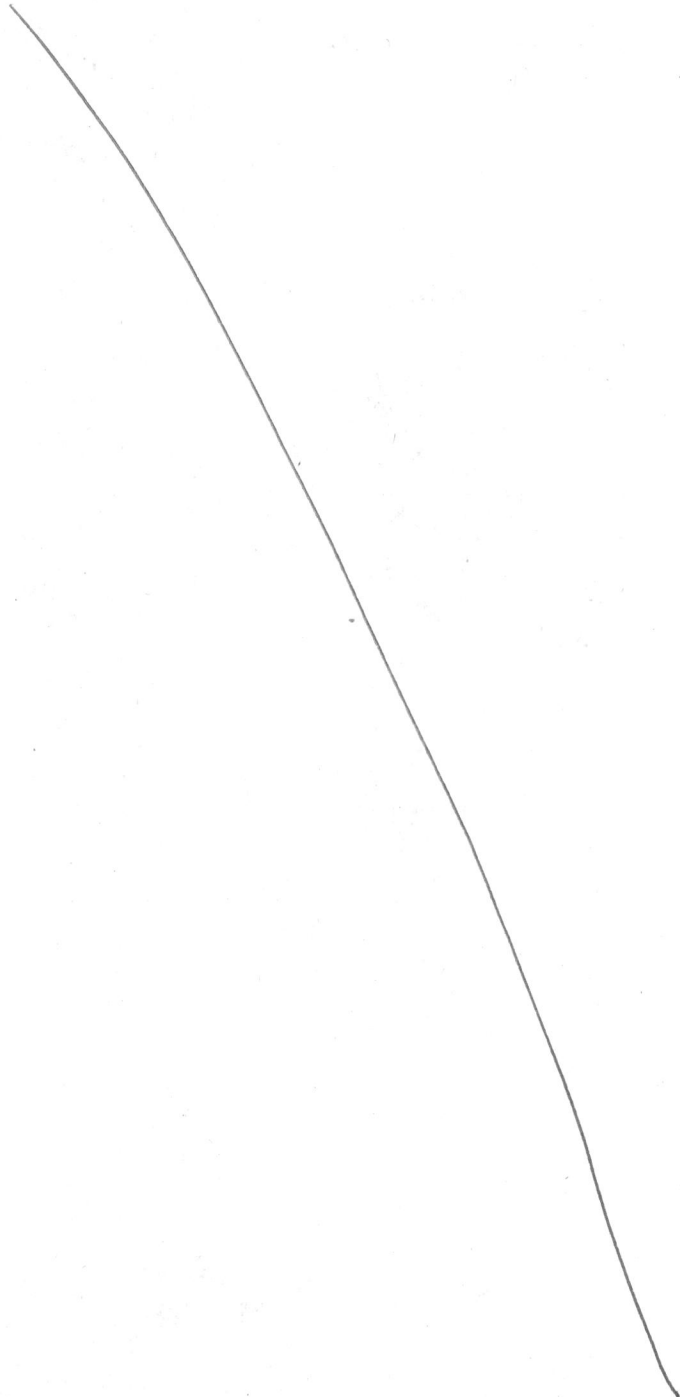
Krishna Mohanlal Srivastava --- Petitioner

vs

Union of India and others --- Opp-Parties.

ANNEXURE No.5

Certified copy of order of the Munsif
Bahraich.



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29/02/85

गणेशदेव

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In the Hon'ble High court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

W.P. No.

/85

Krishna Mohanlal Srivastava ---Petitioner

Vs

Union of India and others --- Opp-Parties.

ANNEXURE No.6

Certified copy of judgment dt. 6.7.85
passed by Sri S.N. Singh, I Addl. District Judge
Bahraich in Civil Revision no.21 of 1985.

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1985

P. S. Singh

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माननीय उच्च न्यायालय इलाहाबाद लखनऊ बेंच, लखनऊ ।

रिटपिटीशन नम्बर- /85

कृष्ण मोहन लाल श्रीवास्तव पिटीशनर

बनाम

यूनियन आफ इंडियन इत्यादि अपोजिट-पार्टीज

: अनेक्जर नम्बर : 7 :

अमवा पोखर
(मुहर)

तीरिख मोहर नहीं है
12-9-84

श्रीमान् डाक अधीक्षक महोदय ~~अध्यापक महोदय~~ बहराइच मण्डल

श्रीमान् जी,

सेवा में,

सविनयनिवेदन है कि प्रार्थी की तबियत खराब रहा करती है जिसके कारण 15दिन का अवकाश लेना आवश्यक पाया जाता है। प्रार्थी अपने जिम्मेदारी पर श्रीमती राम जानकी को शाखा डाकपाल के पद पर करना चाहता है और वह कक्षा आठ पास है कार्य सरकारी करने योग्य है।

अतः प्रार्थना है कि 15दिन का अवकाश देने की स्वीकृति दिया जाय ।

राम जानकी
12-9-84

कृष्ण मोहन लाल
12-9-84
शाखा डाकपाल अमवापोखर
(बहराइच)

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19.07.85

/सत्य प्रतिलिपि/
श्रीमान् मोहन लाल

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माननीय उच्च न्यायालय इलाहाबाद लखनऊ बेंच, लखनऊ ।

रिटपिटीशन नम्बर- /85

कृष्ण मोहन लाल श्रीवास्तव पिटीशनर

बनाम

यूनियन आफ इंडिया अपोपार्टीज

: अनेक्जर नम्बर- : 8:

श्रीमान् प्रथम अडीशनल जिला जजमहोदय
लखनऊ ।

कृष्ण मोहन लाल निगरानीकर्ता

बनाम

यूनियन आफ इंडिया रिस्पान्डेन्ट

श्रीमान् जी,

सेवा में सविनय निवेदन है कि जानिब फरीक सानियान असल चार्ज रिपोर्ट सं०क/12व आदेश क/13 दाखिल की गयी है इन कागजातों पर सायल के दस्तखत नहीं है सायल के दस्तखत जाली बनाये गये हैं तथा आदेश क/13 पर किसी सक्षम अधिकारी के दस्तखत अथवा मोहर नहीं है।

अतः बगरज इन्साफ प्रार्थना है कि क/12 पर बने सायल के दस्तखत का मिलान सायल के दस्तखत से किसी स्क स्पर्ट द्वारा कराई जाने की कृपा कीजावे अति कृपा होगी ।

प्रार्थी,

कृष्ण मोहनलाल - निगरानीकर्ता

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बाबू नवल किशोर श्रीवास्तव,
सहवोकेट

6-7-85

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14.7.85

/सत्य प्रतिलिपि/

श्रीमान् मोहनलाल

माननीय उच्च न्यायालय इलाहाबाद लखनऊ बेंच, लखनऊ ।

रिटपिटीशन नम्बर- /1985

कृष्ण मोहन लाल श्रीवास्तव पिटीशनर

बनाम

यूनियन आफ इंडिया अफि अपोजिट-पार्टीज

अनेक्जर नम्बर - 9:-

श्रीमान् अतिरिक्त जिला जज महोदय , लखनऊ ।

कृष्ण मोहन लाल निगरानीकर्ता

बनाम

यूनियन आफ इंडिया अफि रेस्पण्डेण्ट

श्रीमान् जी,

सेवा में सविनय निवेदन है किजानिब फरीक सानियान यह कहा जाता है कि सायल नौकरी से दिनांक : 15-9-84 को ही हट गया है जो बिल्कुल गलत है प्रार्थी बराबर अपनी जगह पर इस वक्त भी कार्यरत है।

अतः प्रार्थना है कि फरीक सानियान से निमलिखित कागजात तलब फरमाकर लिया जावे ताकि असलियत का पता लग सके। अतिकृपा होगी ।

(तलबी कागजात)

1- हायरी व रसीद दिनांक : 15-9-84

प्रार्थी-

से अब तक सम्बन्धित डाक घरअमवापोखर

कृष्ण मोहन लाल-निगरानीकर्ता

2- वेतन चिट्ठा दिनांक 15-9-84 डाकघर अमवापोखर ।

द्वारा

3- हेलीसकाउन्ट शाखा डाकघर अमवापोखर

बाबू नवल किशोर श्रीवास्तव

दिनांक 15-9-84 से अबतक मिहीपुरवा सब आफिस ।

सहवैकेट

ता० 31-5-85

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19.7.85

/सत्य प्रतिलिपि/

श्रीमान् मोहन लाल

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माननीय उच्च न्यायालय इलाहाबाद लखनऊ बेंच, लखनऊ

रिटपिटीशन नं० /85

कृष्ण मोहन लाल श्रीवास्तव ===== पिटीशनर

बनाम

यूनियन ऑफ इंडिया आदि ... अपोजिट पार्टीज

: अनेकर नंबर : 9-ए :

श्रीमान् प्रथम अडीशनल जिला जज महोदय, बहराइच

कृष्ण मोहन लाल निगरानीकर्ता

बनाम

यूनियन ऑफ इंडिया अपोजिट-पार्टीज

श्रीमान् जी,

सेवा में सविनय निवेदन है कि सायल ने फरीक सानियान से अमवा पोखर डाकखाना से सम्बन्धित चन्द कागजात तलब करने की दरखास्त 31-5-85 को दी थी जो मजूर हुई थी और जिसमें फरीक सानियान को निर्देश दिया गया था कि वह 5-7-85 तक कागजात दाखिल करें मगर चूंकि फरीक सानियान के पैसे को गलत साबित करते इसलिए फरीक सानियान की तरफ से यह कहा गया कि कागजात नहीं है का सब पोस्ट ऑफिस मिहीपुरवा मेहे वहाँ पर सभी कागजात आज तक के उपलब्ध हैं ।

अतः प्रार्थना है कि किसी वकील के ~~निर्देश~~ कमीशन को निर्देशित किया था कि वह मिहीपुरवा डाकखाने में जाकर कागजात का अवलोकन करके अपनी रिपोर्ट दाखिल करें निम्न संलग्नक हो सके । अति कृपा होगी ।

प्रार्थी,

कृष्ण मोहन लाल श्रीवास्तव
अपठनीय

6-7-85

/सत्य प्रतिलिपि/
श्रीमान् जज

81
19.7.85

In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

W.P. No. /85

Krishna Mohanlal Srivastava --- Petitioner

Vs

Union of India & ois. --- Opp-Parties.

ANNEXURE No.10

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

OFFICE OF THE SUPDT. OF POST OFFICES BAHRAICH DIVISION

Memo No.F-11/79-80/2 Dt. at Bahraich the 15.9.84

Under the provision of Rule 9 of the EDAS
(Conduct & Service) Rules 1964, Sri Krishna Mohanlal
EDB PM Amwapakhar BO (Bahraich) is hereby ordered
to be put off duty with immediate effect.

Charge report should be submitted.

Sd. Illegible

Supdt. of Post offices,
Bahraich Division
Bahraich-271801

Copy to :-

1. Sri Krishna Mohanlal EDB PM Amwa Pokhar
(Bahraich)
2. The Sub Divisional Inspector North Bahraich
for information along with a spare copy of
the Memo for delivery to the BPM under
receipt . He will please deliver the memo

81
19.7.85

गोपनीय

1741

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1/28

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under receipt to the official and submit receipt to this office.

- 3. Postmaster Bahriahe for information. He will please preserve the S.Bond of the official.
- 4. Vigilece Asstt. D. O. Bahraich
- 5. Estt.Asstt. for Estt. file D.O. Bahraich
- 6-7- Spare.

51
192-85

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TRUE COPY

Pravrajit

In the Honble High Court of Judicature at Allahabad.

ब अदालत श्रीमान

Lucknow Bench
Lucknow

महोदय

वादी (मुद्दे)
प्रतिवादी (मुद्दालेह)

का

वकालतनामा



Krishna Mohan. Srivastava
Union of Indicators

वादी (मुद्दे)

प्रतिवादी (मुद्दालेह)

नं० मुकद्दमा सन् १६ पेशी की ता० १६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री Suresh Chandra

एडवोकेट

Advocate Anoop Kumar Advokat महोदय

वकील

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या दिपक्ष (फरीक्सान्नी) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करे - वकील महोदय द्वारा की गई वह कार्यावाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भोजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

नाम अदालत
नं० मुकद्दमा
नाम फरीक्सेन

Accepted
Suresh Chandra
Advokat

हस्ताक्षर

साक्षी (गवाह) साक्षी (गवाह)

दिनांक महीना

In The Hon'ble High Court of Judicature at Allahabad

due know bench due know

8/11/05

U

W.P. No 3488/05

211

Krishna Mohan Lal Srivastava -- Petitioner
vs

Union of India, & ors. --- op.

To
The Adml. Registrar
High Court Lucknow

Sir.

The above named petitioner respectfully begs to state as follows

1. That on 22-7-05 the petitioner filed the above writ petition along with an application for stay on which the Hon. Mr. Justice Kamleshwar Nath was pleased to allow him to the Chief Standing Counsel Union Govt. for instructions
2. That the afore said writ petition was listed on 30-7-05 for admn. & orders a stay application before Hon. Mr. Justice D.N. Jha but the same stood out as the Hon. Mr. Justice D.N. Jha did not hold the Court on that day
3. That the writ petition was again listed on 5-8-05 & then on 9-8-05 but on both the dates the case stood out as the Hon. Mr. Justice D.N. Jha did not hold Court on these dates
4. That after 9-8-05 the case was not listed upto this date.
5. That the matter is urgent & the stay order is urgently required in the writ petition

wherefore it is respectfully & kindly
that the above writ petition may be ordered
listed for orders at an early date

Suresh Ch

luck
26-8-05

S.O (w)
list in week,
in week every
28
26/8

ADVT
2/9

v.p. No 3408/85

Krishna Mohan Lal Srivastava --- Petitioner
vs --- Applicant
Union of India --- Opp. Party

To
The Addl Registrar
High Court
Lucknow.

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The above named petitioner ~~has~~ begs to state as under

1. That ~~in~~ the above writ petition listed several times but as the Hon. Mr. Justice D.N. Jha ^{could} ~~did not~~ hold court the same was stood out.
2. That 26-8-85 the petitioner ~~of~~ moved application before Addl. Registrar who ^{was} pleased to order to list the case in week commencing 2-9-85.
3. That the ^{above} case ~~was~~ listed ^{by being listed in the} of week commencing 2-9-85 was listed on 10-9-85 before Hon. Mr. Justice D.N. Jha but the same was again stood out as the number of the case did not reach.
4. That the matter is urgent & the stay order is urgently required in the case & if the stay application is not listed at an early date the writ petition would become infructuous and the petitioner will suffer great & irreparable loss. Wherefore it is respectfully prayed that the case may be listed in commencing case list.

Lucknow
dt 25-9-85

Suresh Chandra
Advocate
(SURESH CHANDRA)
Counsel for applicant

S-6 (w)
del. in week
Case 2/9
25/9

to